

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANGELO QUINTIN DOWNEY, 2:04-cv-1725-GEB-CMK-P

Plaintiff,

VS.

## ORDER

K. PROSPER,

Defendant.

Plaintiff, a  
to 42 U.S.-PC. § 1983. Th  
Local Rule 72-302(c)(21).

On April 10, 2006, the magistrate judge filed findings and recommendations herein which were served on petitioner and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within ten days. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by

1 proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed April 10, 2006, are adopted in  
4 full;

5 2. Defendant's motion to dismiss is granted;

6 3. This action is dismissed, without prejudice; and

7 4. The Clerk of the Court is directed to enter judgment and close this file.

8 Dated: May 23, 2006

9 /s/ Garland E. Burrell, Jr.  
10 GARLAND E. BURRELL, JR.  
11 United States District Judge